



Copyright Licensing New Zealand,

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## **Amplify: A Draft Government Strategy for Creative and Cultural Sectors**

### **Copyright Licencing New Zealand**

#### Introduction

Copyright Licencing New Zealand (CLNZ) supports the Government's decision to implement a high-level five-year strategy for the creative and cultural sectors.

The Strategy is unambiguous that extending the sector's economic and societal contribution will be achieved within existing funding levels. We make no comment on the political and economic considerations from which this position is derived.

CLNZ nevertheless agrees that much can be achieved with a more coherent and efficient approach to the reallocation of Government funding, and by encouraging co-operation and joint projects between and across Ministries, agencies that are already government funded, and independent arts sector organisations, and by creating new opportunities for creative individuals to earn income through innovation.

We suggest that sector confidence in the Strategy is more likely if its formal adoption is followed with a definitive statement from a single authority source of how the strategy will be implemented by each of the Government's existing funding entities. CLNZ suggests that this should include the routines and protocol they will follow in their relationships with independent organisations in the arts sector.

With this in mind, CLNZ believes that the most useful contribution we can make at this stage is to comment on some ambiguities and contradictions in the draft Strategy that, unless dealt with soon after its formal release, will limit the success that the Government expects from it.

### Funding

The Strategy is, necessarily, a high-level document, and CLNZ acknowledges that achieving positive economic outcomes within existing level of spend and departmental capability is at its core.

Approximately \$361mpa of the \$450mpa vote (2024-2025 year) administered through MCH includes funding for the NZ Film Commission, the NZ Symphony Orchestra, Creative NZ, Radio New Zealand, the Broadcasting Standards Authority, NZ On Air, the Sound and Video Archive, Royal NZ Ballet, the Music Commission, Te Papa, and Heritage NZ.\*

Our point here is that many granular interactions and decisions will need to be taken by multiple Government Ministries and by existing funding agencies, each with their own long-established practices and remits. Given this complexity CLNZ suggest that 'one size' will not fit all, and that a rising tide of efficiency and reallocation will not lift all boats.

\* The draft Strategy notes that funding for media and journalism is separate from the \$450mpa total vote, and that new legislation is expected for the media sector. CLNZ therefore assumes that the funding for NZ On Air, Radio NZ, and the Broadcasting Standards Authority is therefore 'ringfenced' within this total.

### Agency Roles and Capability

CLNZ assumes that reaching the desired outcomes—and we support most of them--will involve five consecutive Budget bids, with funding re-allocated in close alignment with how far objectives have been met.

The Strategy commits to a new and simplified '...structure for central government funding...' and to '...cross-portfolio outcomes...' We assume that a single lead agency (presumably MCH) will have the leadership to identify arts and culture initiatives and funding not only for the agencies for which it is the funder, but across multiple Ministries--Tourism, Health, Justice, MBIE, Education, Housing, and Environment are all cited.

This will demand a consistent level of intra and inter-department capability and co-operation, and a timely and plausible consultation system to routinely engage with the diverse interests of the arts and creative sector. CLNZ assumes that the Government is confident that MCH and the 'contributing' Ministries have the baseline operating budget and people resource to respond to the remit the Strategy assigns them.

### Literacy and The Creative Individual

CLNZ, a not-for profit organisation, exists to secure the personal and commercial outcomes to which authors and writers are entitled. Literacy earns no coherent mention in the draft Strategy.

There is no smaller 'organisation' than the individual creative. When writing is done within an organisation it emerges as something else—as 'media,' perhaps. As with other creative activities that are essentially derived from the mind-- sculpture, painting, pottery, musical composition, film scripts—writing has no real existence until it is finished. Only then does it have an audience that can read, see, or hear the outcome.

New Zealand standards of numeracy and literacy have collapsed. Literacy is an indispensable part of our social and citizenship values—including education (especially), health, and justice. We believe that writing, publishing and reading are intrinsic to meeting the cultural and social aspirations and well-being of all our people regardless of their interests or identity.

It is for this reason that CLNZ feels we have to say that, as drafted, we find the Strategy is formulaic and passionless.

The Strategy notes that many New Zealand creative practitioners '...have been successful and recognised globally...' Some of them consider their success to be in spite of, rather than through, any support and opportunities provided by local systems and settings. Besides the strategy's focus on training, creative practitioners will want to know what active measures and innovations will be taken to connect and build the profile of New Zealand creatives internationally (in the same way that Australia has), and how will these be measured?

### Audiences and Outcomes

There is no success without an audience. Evaluating 'audience share' and 'outcomes and benefits' is one proxy for measuring success across a near-infinite range of creative activity.

Identifying the intended audience(s) by subject interests, its size in relation to the level of investment, alignment with the Strategy, evaluating the results, and then deciding how those results will be translated into funding decisions will be essential to the successful implementation of the strategy. Each of these stages will involve mix of objective and subjective decisions.



*Let's do the right thing*

To illustrate, let us assume that an individual creative or not-for profit entity has secured a large audience and the level of commercial return that goes with it. Are they, or the representative group that advances their interests, to be rewarded for this contribution to the arts and culture economy with further support? Or should the funding or other benefit previously provided to them be re-allocated to an individual or commercial entity with less proven potential?

We suggest a mischievous example. Let us say that the NZ Symphony Orchestra achieves a positive uplift in audience numbers and thus revenue. The Orchestra, however, still runs at an (albeit reduced) loss. Even so, perhaps from now on it could manage with two fewer violinists so that Dunedin citizens could benefit from re-starting a small semi-professional theatre.

Of course we mean no disrespect to the NZSO. Like the many other long-established government-funded national institutions it is central to our creative landscape and national identity. However, our example does illustrate, we think, an inherent bias in the Strategy towards entities with long-established funding support (who in many cases are themselves funders) and individual creatives.

CLNZ suggests that if the final Strategy recognises this dilemma, and the implementation process explicitly recognises it, then expectations on all sides of the funding divide are more likely to be managed equitably.

### Barriers to Growth

Cross-government initiatives noted in the Strategy include dealing with ‘...concerns about work being misused...’ ‘...intellectual property risks...’ ‘...scraping of copyright...’ and ‘...promoting the responsible uptake of AI...’

These are issues of urgent concern, and not only to CLNZ. The Copyright Act Review for example has, as far as we know, not progressed in any useful way since 2017. We suggest that such an obvious opportunity to improve the income of creative individuals needs to be treated as a legislative priority rather than losing even more momentum by being ‘folded’ into a Strategy implementation process that does not yet exist.

The Artist Resale royalty scheme is a recent positive development, and there are similar opportunities to ‘lift-and-shift’ outcomes for creative practitioners in the screen and literary sectors as well. The same comment about ‘early wins’ could be made about other positive suggestions in the Strategy (p 32 ff).

It hardly requires legislative or regulatory solutions, formal re-definition of funding mandates, or cross-departmental committees of officials for the Ministry of Education to decide to buy textbooks from local rather than offshore suppliers, or to initiate a consultation on a more equitable Public Lending Right.



*Let's do the right thing*

Comment

: The draft Strategy commits to ‘...clarifying and aligning the outcomes sought by government agencies...’ CLNZ supports this as both common sense and a necessity.

: The Strategy is weighted toward existing funded (and funding) institutions and government agencies, as against individual creatives and the not-for-profit organisations that support them.

: A more positive response is likely if there is an explicit pre-emption to the inevitable reaction that for every ‘winner’ of re-allocated funding or resource there will be a ‘loser’ somewhere else.

: A commitment to the principles and timetable of engagement, consultation and protocols, if made at the time of the formal release of the Strategy, would provide a degree of confidence that the implementation process is likely to work for the benefit of creative individuals.

: We support the submissions from The New Zealand Society of Authors Te Puni Kaituhi o Aotearoa (PEN NZ Inc) and Publishers Association of New Zealand Te Rau o Tākupu. These include many practical suggestions for early implementation. CLNZ hopes that the very existence of the draft will, by itself, provoke Ministries and funding agencies round to take or plan for, some of these straightforward actions during the next Budget round.

: We support the submissions of Pacific and Māori groups to support and build improved literacy outcomes in their communities.

: CLNZ particularly endorses the NZ Writers’ Guild proposal to establish a Literacy Commission along similar lines to those that have benefited the Music and Film sectors. The critical place of literacy and literature in the creative arts, and across a full range of societal and citizenship values is reason enough, we believe, to including such a Commission in the final Strategy.

: Copyright Licencing New Zealand is ready for informal discussions with officials about the points we have raised. We believe these could contribute to a more positive reaction when the Strategy is formally released. Equally, we believe CLNZ can make a positive contribution to the design of implementation of the Strategy in a way that takes account of how individual creatives, and the organisations that represent them, can contribute to its success.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sam Irvine".

Sam Irvine.

Chief Executive.

[ENDS]